

**EXHIBIT 10**

**To**

**Plaintiffs' Aug. 20, 2007 Motion**

**EDWARD D. FAGAN ESQ.**

*Law Offices*

Five Penn Plaza, 23<sup>rd</sup> Floor, New York, NY 10001

Tel. (646) 378-2225, Fax (646) 417-5558 & Email: [faganlawintl@aim.com](mailto:faganlawintl@aim.com)

Via Fax (212) 805-7920

Friday 17 August 2007

Honorable Shira A. Scheindlin USDJ  
United States District Court - Southern District of New York  
500 Pearl Street - Chambers - Room 1620  
New York, NY 10007

Re: In Re: Ski Train Fire in Kaprun Austria on Nov. 11, 2000, MDL # 1428 (SAS);  
Blaimauer 03-CV-8960(SAS); Geier 03-CV-8961(SAS); Mitsumoto 06-CV-2811(SAS),  
Mitsumoto 07-CV-935 (SAS), Stadman 07-CV-3881(SAS) and Ferk 07-CV-4104 (SAS)

Honorable Judge:

With this letter, I am submitting a proposed form of Order with regards to the Court's decision related to Plaintiffs' Affidavits/Declarations of Bias and Motion for the Court to recuse itself pursuant to 28 USC §§144 and 455 (*Docs. 309-11 in Case # 1:01-md-1428*).

The transcript at which the Court read out its decision at the July 11, 2007 Conference was just filed on August 9, 2007 (*See Doc. 316 in Case # 1:01-md-1428*).

I respectfully request the Court execute the Order and then cause it to be expeditiously entered by the Clerk.

Respectfully submitted,



Edward D. Fagan

Attached Proposed Form of Order – 2 Pages

Ccs: All Counsel of Record in the All Cases - electronically

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<b>IN RE: SKI TRAIN FIRE IN KAPRUN AUSTRIA ON NOVEMBER 11, 2000</b>	X : : X	<b>MDL # 1428 (SAS)</b>
<b>This document relates to the following cases:</b>		
<b>BLAIMAUER, et al,</b>	X : : : : X	<b>Civil Action # 03-CV-8960 (SAS)</b>
<b>- and -</b>	: : : : : X	
<b>OMNIGLOW CORPORATION, et al</b>	Plaintiffs, : : : : : X	
<b>GEIER, et al,</b>	Defendants. : : : : : X	<b>Civil Action # 03-CV-8961 (SAS)</b>
<b>- and -</b>	: : : : : X	
<b>OMNIGLOW CORPORATION, et al</b>	Plaintiffs, : : : : : X	
<b>MITSUMOTO, et al,</b>	Defendants. : : : : : X	<b>Civil Action # 06-CV-2811 (SAS)</b>
<b>- and -</b>	: : : : : X	
<b>REPUBLIC OF AUSTRIA, et al</b>	Plaintiffs, : : : : : X	
<b>MITSUMOTO, et al,</b>	Defendants. : : : : : X	<b>Civil Action # 07-CV-935 (SAS)</b>
<b>- and -</b>	: : : : : X	
<b>ROBERT BOSCH CORP., et al</b>	Plaintiffs, : : : : : X	
<b>STADMAN, et al,</b>	Defendants. : : : : : X	<b>Civil Action # 07-CV-3881 (SAS)</b>
<b>- and -</b>	: : : : : X	
<b>AUSTRIAN NATIONAL TOURIST OFFICE, et al,</b>	Plaintiffs, : : : : : X	
<b>FERK, et al,</b>	Defendants. : : : : : X	<b>Civil Action # 07-CV-4104 (SAS)</b>
<b>- and -</b>	: : : : : X	
<b>OMNIGLOW CORPORATION, et al,</b>	Plaintiffs, : : : : : X	
<b>OMNIGLOW CORPORATION, et al,</b>	Defendants. : : : : : X	

**THIS MATTER** having come on to be heard by the Court upon Plaintiffs' Motion requesting that the Court recuse itself, pursuant to *28 USC §§ 144 and 455 (Docs. 309-11 in Case # 1:01-md-1428)* and for the reasons set forth on the record on July 11, 2007 [*See transcript of July 11, 2007 Conference entered on August 9, 2007 (See Doc. 316 in Case # 1:01-md-1428)*], the Motion is denied.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Shira A. Scheindlin, USDJ